

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 JIMMY HAWS, SETH DANIEL HAWS,
13 and MIA SKYE HAWS, minors, by and
14 through their guardian ad litem, CARRIE A.
HAWS, and CARRIE A. HAWS,
individually,

15 Plaintiffs,

16 v.

17 COUNTY OF MONTEREY, MICHAEL
18 KANALAKIS, NATIVIDAD MEDICAL
CENTER and DOES 1-300, inclusive,

19 Defendants.
20 _____ /

Case No. C 07-02599 JF

[Proposed] ORDER ON DEFENDANTS
COUNTY OF MONTEREY AND
MICHAEL KANALAKIS' MOTION TO
DISMISS PLAINTIFFS' COMPLAINT
[F.R.C.P. 12(b)(1) and (6)]

Date: July 20, 2007
Time: 9:00 a.m.
Ct rm: 3, 5th Floor
Judge: Hon. Jeremy Fogel
Action Filed: May 16, 2007

21 The Defendants County of Monterey and Michael Kanalakakis' Motion to Dismiss Plaintiffs'
22 Complaint having come on regularly for hearing on July 20, 2007, at 9:00 a.m., before the Honorable
23 Jeremy Fogel in Courtroom #3, 5th Floor, located at 280 South First Street, San Jose, California. Deputy
24 County Counsel Traci A. Kirkbride appeared on behalf of Defendants County of Monterey and Michael
25 Kanalakakis. Plaintiffs appeared through their attorney of record. Other appearances were as noted on the
26 record.

27 After considering the papers filed in support of and in opposition to Defendants' Motion to
28 Dismiss, and the arguments presented by the parties,

1 THE COURT ORDERED:

2 Defendants' Motion to Dismiss Plaintiffs' Complaint pursuant to F.R.C.P. 12(b)(1) and (6) is
3 hereby granted with/without leave to amend;

4 IT IS SO ORDERED.

5
6 DATED: July ____, 2007.

7 _____
JEREMY FOGEL
United States District Judge

8
9 F:\WPWIN60\TXT\LIT\400\Haws\Mtn Dismiss.Order.wpd
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28